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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,235	08/09/2000	Minoru Noguchi	P107348-00032	5055

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EXAMINER

VIJAYAKUMAR, KALLAMBELLA M

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,235

Applicant(s)

NOGUCHI ET AL.

Examiner

Kallambella Vijayakumar

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE 07/14/03, Paper-14.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Detailed Action

- Acknowledge the Request for Continued Examination of the application filed 7/14/2003 in Paper-14.
- Acknowledge the amendment to the claims 2-3, and cancellation of Claims 1, 4 and 5 filed 7/14/2003 in Paper-14. Claims 2-3 are currently pending with the application.

Claim Rejections - 35 USC § 102

Claim Rejections - 35 USC § 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

- After a careful consideration of the arguments by the applicants and the amendment to the claims in Paper-14, all the previous rejections in Papers 5 and 9 are withdrawn:
 - The rejection of Claims 2-3 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kampe et al (US Patent # 4,602,426) in Papers 5 and 9.
 - The rejection of Claims 2-3 under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al (US Patent 5,450,279) in view of Kampe et al (US Patent 4,602,426) in Papers 5 and 9.
- After the examination of claims as amended and a new search necessitated by the amendment, new grounds of rejection became eminent based on the newly found reference/s.
- Claims 2-3 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Maeda et al (US Patent 6,118,650).

Maeda et al disclose a sheet-type electrode for an electrical double layer capacitor made by rolling a mixture comprising milled-activated carbon fibers with a mean particle diameter of 25 microns, 10% by weight of acetylene black as conductive assisting agent and 7% by weight of PTFE as binder, and the sheet being contact bonded Nickel mesh collector (US-650: Col-12, Lines 12-41). The limitation of variance in the surface concentration of the active species from the surface contacting the current collector towards the other surface of the sheet per the instant claim-2 would be inherent because, the components and composition used by Maeda are identical to those used the applicants in their invention, and further the electrode sheet by was made by rolling of the blend of the electrode constituents, that is the same process employed by the applicants (See

Specification, Page-18, Line-1 to Page-19, Line-6; Page-23, Table-3; Page-26, Lines: 1-6). All the limitations are met.

The reference/s is/are anticipatory.

In the alternative that the teachings by Maeda et al (US-850) be insufficient to arrive at the limitations of the instant claims by the applicants, it would have been obvious for a person of ordinary skill to make changes to the composition and/or process of Maeda et al (US-850) to benefit from the variation in concentration profiles of active components generated by the roll pressing of a mixture of powders and fibers, and to obviously arrive at the limitations of the instant claims by the applicants, with reasonable expectation of success.

- Claims 2-3 rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Maeda et al (EP 927,778).

Maeda et al disclose a sheet-type electrode for an electrical double layer capacitor made by rolling a mixture comprising milled-activated carbon fibers with a mean particle diameter of 25 microns, 10% by weight of acetylene black as conductive assisting agent and 7% by weight of PTFE as binder, and the sheet being contact bonded Nickel mesh collector (EP-778: Page-8, Line 45 to Page-9, Line27). The limitation of variance in the surface concentration of the active species from the surface contacting the current collector towards the other surface of the sheet per the instant claim-2 would be inherent because, the components and composition used by Maeda are identical to those used the applicants in their invention, and further the electrode sheet by was made by rolling of the

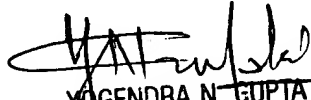
blend of the electrode constituents, that is the same process employed by the applicants (See Specification, Page-18, Line-1 to Page-19, Line-6; Page-23, Table-3; Page-26, Lines: 1-6). All the limitations are met.

The reference/s is/are anticipatory.

In the alternative that the teachings by Maeda et al (EP-778) be insufficient to arrive at the limitations of the instant claims by the applicants, it would have been obvious for a person of ordinary skill to make changes to the composition and/or process of Maeda et al (EP-778) to benefit from the variation in concentration profiles of active components generated by the roll pressing of a mixture of powders and fibers, and to obviously arrive at the limitations of the instant claims by the applicants, with reasonable expectation of success.

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kallambella Vijayakumar whose telephone number is 703-305-4931. The examiner can normally be reached on M-Th, 07.30 - 17.00 hrs, Alt. Fri: 07.30-16.00 hrs.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 703-308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.
- Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

kmv
September 17, 2003


YOGENDRA N. GUPTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700